

# MANDATE

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 2<sup>nd</sup> day of October, two thousand nineteen.

Present:

John M. Walker, Jr.,  
Susan L. Carney,  
*Circuit Judges,*  
John G. Koeltl,  
*District Judge.\**

National Labor Relations Board,

*Petitioner,*

v.

No. 19-2534

ADT LLC, d/b/a ADT Security Services,

*Respondent.*

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, ADT LLC, d/b/a ADT Security Services, its officers, agents, successors, and assigns, enforcing its order dated July 29, 2019, in Case Nos. 03-CA-230714 and 03-CA- 234585, and the Court having considered the same, it is hereby ORDERED AND ADJUDGED by the Court that the Respondent, ADT LLC, d/b/a ADT Security Services, its officers, agents, successors, and assigns, shall abide by said order. (See attached Order and Appendix.)

The mandate shall issue forthwith.

A True Copy


Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

MANDATE ISSUED ON 10/02/2019

\* Judge John G. Koeltl, of the United States District Court for the Southern District of New York, sitting by designation.

NATIONAL LABOR RELATIONS BOARD

v.

ADT LLC, D/B/A ADT SECURITY SERVICES

**ORDER**

ADT LLC, d/b/a ADT Security Services, its officers, agents, successors, and assigns, shall

1. Cease and desist from
  - a. Soliciting employees to decertify the International Brotherhood of Electrical Workers (IBEW) Local Union 43.
  - b. Interrogating employees about their attitude towards IBEW Local 43 or any other union.
  - c. Polling employees about their union sympathies.
  - d. Withdrawing recognition from International Brotherhood of Electrical Workers Local Union 43 and failing to recognize and bargain with the Union as the exclusive collective bargaining representative of the employees in the bargaining unit.
  - e. Changing wages, benefits or other terms and conditions of employment without first notifying the Union and giving it an opportunity to bargain.
  - f. Refusing to sign and abide by the collective bargaining agreement to which it agreed on October 18, 2018.
  - g. In any like or related manner restraining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
  - a. Execute the collective bargaining agreement reached between the parties on October 18, 2018.
  - b. On request of the Union, adhere to any or all of the terms and conditions set forth in the collective-bargaining agreement agreed to on October 18, 2018.
  - c. Make unit employees whole, as set forth the remedy section herein, with interest, for any loss of earnings or other benefits they may have suffered

because of Respondent's refusal to sign and adhere to the collective bargaining agreement agreed to on October 18, 2018.

- d. On request by the Union, rescind any changes in its unit employees' terms and conditions of employment that were unilaterally implemented since November 2, 2018.
- e. Make the Union whole for any dues that it failed to deduct and transmit under the terms of the 2018-2021 collective bargaining agreement.
- f. Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.
- g. Within 14 days after service by the Region, the Respondent shall duplicate and mail, at its own expense, a copy of the notice the attached notice marked "Appendix." to all current employees and former employees employed by the Respondent at any time since October 9, 2018.
- h. Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

## **APPENDIX**

### **NOTICE TO EMPLOYEES**

**POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES  
COURT OF APPEALS ENFORCING AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

**FEDERAL LAW GIVES YOU THE RIGHT TO**

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

**WE WILL NOT** solicit or ask you to provide us with a statement that you do not wish to be represented by the International Brotherhood of Electrical Workers, Local Union 43 or any other union.

**WE WILL NOT** in any way ask you to divulge your attitude towards the International Brotherhood of Electrical Workers, Local Union 43 or any other union, either by interrogation or by polling.

**WE WILL NOT** withdraw recognition from the International Brotherhood of Electrical Workers, Local Union 43.

**WE WILL NOT** refuse to sign or refuse to abide by the collective bargaining agreement with the International Brotherhood of Electrical Workers, Local Union 43 that we agreed to on October 18, 2018 which is effective from June 11, 2018 to June 1, 2021.

**WE WILL NOT** unilaterally make any changes to your wages, benefits and other terms and conditions of employment.

**WE WILL NOT** in any like or related manner restrain or coerce you in the exercise of the rights guaranteed to you by Section 7 of the National Labor Relations Act.

**WE WILL** execute and abide by the collective bargaining agreement we reached with the International Brotherhood of Electrical Workers, Local Union 43 on October 18, 2018.

**WE WILL** on request of the International Brotherhood of Electrical Workers, Local Union 43 rescind any changes in the terms and conditions of bargaining unit employees that conflict with the collective bargaining agreement reached on October 18, 2018.

**WE WILL** make bargaining unit employees whole, with interest compounded daily, for the loss of any earnings and benefits they may have suffered by our failure to sign and abide by the collective bargaining agreement reached with the International Brotherhood of Electrical Workers, Local Union 43 on October 18, 2018.

**WE WILL** compensate in full International Brotherhood of Electrical Workers Local Union 43 for any dues that we failed to deduct and transmit as required by our 2018-2021 collective bargaining agreement with it.

**ADT, LLC, d/b/a ADT SECURITY SERVICES**

(Employer)

Dated \_\_\_\_\_

By \_\_\_\_\_

(Representative)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website:

Niagara Center Building., 130 S. Elmwood Avenue, Suite 630, Buffalo, NY 14202-2465  
(716) 551-4931, Hours: 8:30 a.m. to 5 p.m.

The Administrative Law Judge's decision can be found at [www.nlrb.gov/case/03-CA-230714](http://www.nlrb.gov/case/03-CA-230714) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, (716) 551-4946.